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April 29, 2011

VIA ECF

The Honorable Denis R. Hurley
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Paladino v. DHL Express (USA), Inc., et al. 07 Civ. 1579 (DRH) (ARL)

Dear Judge Hurley:

We represent Defendant DHL Express (USA), Inc. ("Defendant") in the above referenced matter and write concerning Plaintiff's ill-conceived Motion for Reconsideration of the Court's April 8, 2011, Order requiring Plaintiff to post a bond for costs on appeal (ECF Doc. # 99) ("Motion for Reconsideration").¹ Specifically, to provide Plaintiff with an opportunity to withdraw the Motion for Reconsideration in lieu of Defendant's pursuit of Rule 11 sanctions, we respectfully request that the Court enlarge Defendant's time to respond from May 6, 2011 to June 6, 2011, which is two weeks following expiration of the 21-day safe harbor period provided under Rule 11. We prefer that Plaintiff withdraw the Motion for Reconsideration rather than pursue sanctions; however, the Motion is completely frivolous and Plaintiff should bear the cost of Defendant's opposition to it should he insist on pursuing it.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Gilly".

Scott Browning Gilly

cc: Michael G. O'Neill, Esq.

¹ As the Court may know, Plaintiff also simultaneously filed an appeal of the April 8, 2011, Order with the Second Circuit. (See ECF Doc. # 98.)